

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PETEDGE, INC.,

Plaintiff,

v.

SHENZHEN SALIVAN NETWORK
TECHNOLOGIES, LTD.,

Defendant.

Civil Action No. 1:16-cv-12438

JURY TRIAL DEMAND

COMPLAINT

Plaintiff PetEdge, Inc., complains against ShenZhen Salivan Technologies, Ltd. as follows:

PARTIES

1. PetEdge is a Massachusetts corporation headquartered at 100 Cummings Center, Beverly, Massachusetts, 01915.
2. PetEdge is in the business of designing, sourcing, manufacturing, and distributing pet-related merchandise.
3. PetEdge invented a folding pet ramp and steps combination apparatus (“pet ramp/steps”), and PetEdge owns a patent directed to various embodiments of this apparatus, namely U.S. Patent No. 7,621,236 (“the ‘236 Patent”). A copy of the ‘236 Patent is attached as **Exhibit A**. PetEdge manufactures and sells pet ramp/steps embodying inventions claimed in the ‘236 Patent and marks those products with the ‘236 Patent.

4. Among the pet ramp/steps that PetEdge sells is its “Renew Rampsteps” (SKU ZA6044), which PetEdge markets and sells under its PET STUDIO® brand. PetEdge also sells a version under the GUARDIAN GEAR® brand.

5. On information and belief, ShenZhen Salivan Technologies, Ltd. (“ShenZhen”) is a Chinese corporation. In connection with its United States Trademark registrations, ShenZhen lists its address in China as “6C-009-6C-012 International Leather City Huanan 1st Str, Pinghu Rd, Longgang Dis Shenzhen, Guangdong, China.” On information and belief, ShenZhen maintains a business location in the United States at 16518 East Gale Avenue, City of Industry, California, 91745.

6. On information and belief, ShenZhen is doing business as “CNDirect.”

7. On information and belief, ShenZhen manufactures, uses, offers to sell, and/or sells an array of household products, including pet-related merchandise.

8. On information and belief, ShenZhen is the owner of several U.S. Trademarks. In particular, ShenZhen is the owner of the U.S. Trademarks for “WOOKRAYS,” “DEALKOO,” and “HOMDOX.” Copies of each of these trademarks are attached as **Exhibit B**.

9. On information and belief, ShenZhen is also doing business as Wakrays, under the WOOKRAYS brand. An excerpt from WOOKRAYS’ website, showing the website’s URL as “www.wakrays.com” is attached as **Exhibit C**.

10. ShenZhen’s pet-related merchandise includes several models of pet ramp/steps, which are advertised and sold under the “WOOKRAYS,” “Wakrays,” “DEALKOO,” and “HOMDOX” brands. ShenZhen’s models of pet ramp/steps are sold as “WOOKRAYS Easy Step III Pet Stairs 3 Step for Cats/Dogs Animal Bed Steps Ladder,” “Wakrays Wooden Folding Home Pet Animal Dog Ramp 3 Step Stairs Steps Ladder,” “Dealkoo Pet Folding 2-in-1 Stairs

Ramp Non Slip Sturdy Wooden Step Dog Cat Animal Ladder,” and “Homdox Wooden Folding Pet Stairs Home Pet Animal Dog Ramp 3 Step Stairs Steps Ladder” (“the Accused Products”).

11. Excerpts from a national, third-party retailer (www.amazon.com) listing for sale the ShenZhen Accused Products are attached hereto as **Exhibit D**. ShenZhen distributes its products, including the Accused Products, through national retailers like Amazon.com. ShenZhen’s activities have been without express or implied license from PetEdge.

12. The Accused Products compete directly with PetEdge’s pet ramp/steps product and appear to be a knock-offs of the PetEdge pet ramp/steps product, such as PetEdge’s PET STUDIO® pet ramp/steps. For example, a side-by-side comparison of PetEdge’s patented PET STUDIO® “Renew Rampsteps” and examples of the ShenZhen Accused Products, namely the “WOOKRAYS Easy Step III Pet Stairs 3 Step for Cats/Dogs Animal Bed Steps Ladder,” “Wakrays Wooden Folding Home Pet Animal Dog Ramp 3 Step Stairs Steps Ladder,” “Dealkoo Pet Folding 2-in-1 Stairs Ramp Non Slip Sturdy Wooden Step Dog Cat Animal Ladder,” and “Homdox Wooden Folding Pet Stairs Home Pet Animal Dog Ramp 3 Step Stairs Steps Ladder” models, is depicted below.

<p>PetEdge PET STUDIO® “Renew Rampsteps”</p>	<p>“WOOKRAYS Easy Step III Pet Stairs 3 Step for Cats/Dogs Animal Bed Steps Ladder”</p>
 <p>A photograph of a light-colored dog with brown patches standing on a wooden pet ramp. The ramp has three steps and a handrail. A small inset image shows the ramp folded for storage.</p>	 <p>A photograph of a wooden pet stairs with three steps, each covered with a black cushion. The stairs are made of light-colored wood and have a handrail on one side.</p>
	<p>“Wakrays Wooden Folding Home Pet Animal Dog Ramp 3 Step Stairs Steps Ladder”</p>
	 <p>A photograph of a wooden pet ramp with three steps, each covered with a black cushion. The ramp is made of light-colored wood and has a handrail on one side.</p>
	<p>“Dealkoo Pet Folding 2-in-1 Stairs Ramp Non Slip Sturdy Wooden Step Dog Cat Animal Ladder”</p>
	 <p>A photograph of a wooden pet ramp with three steps, each covered with a black cushion. The ramp is made of light-colored wood and has a handrail on one side.</p>
	<p>“Homdox Wooden Folding Pet Stairs Home Pet Animal Dog Ramp 3 Step Stairs Steps Ladder”</p>
	 <p>A photograph of a wooden pet ramp with three steps, each covered with a black cushion. The ramp is made of light-colored wood and has a handrail on one side.</p>

JURISDICTION AND VENUE

13. This is an action for patent infringement arising under the Patent Laws of United States, Title 35, United States Code. This Court has jurisdiction under 28 U.S.C. §§ 1331 (federal question), 1332 (diversity) and 1338 (patent actions).

14. Venue is proper under 28 U.S.C. § 1391(b) and (c) and § 1400(b). ShenZhen has committed and/or threatened to commit acts of infringement in this District, and this action arises from those acts. ShenZhen has regularly engaged in business in this Commonwealth and District and purposefully availed itself of the privilege of conducting business in this District, for example, by offering for sale and selling the Accused Products in this District.

15. For example, ShenZhen advertises, offers for sale, and sells the Accused Products through various retail websites, such as Amazon.com. The Accused Products are made available to any person to buy, including Massachusetts residents. Indeed, a PetEdge employee was able to buy each of the Accused Products on Amazon.com and have them shipped to her home in Massachusetts. There were no geographic restrictions placed on sales of ShenZhen's Accused Products. They are made available to any and all Massachusetts customers.

THE PATENT INFRINGED

16. On November 24, 2009, the United States Patent and Trademark Office ("USPTO") issued United States Patent No. 7,621,236, entitled "Folding Pet Ramp and Steps" ("the '236 Patent').

17. The '236 Patent was assigned to PetEdge, which owns the full rights, title, and interest in the '236 Patent.

18. The '236 Patent has not expired and is in full force and effect.

19. Pursuant to 35 U.S.C. § 282, the ‘236 Patent and each of its claims are presumed valid.

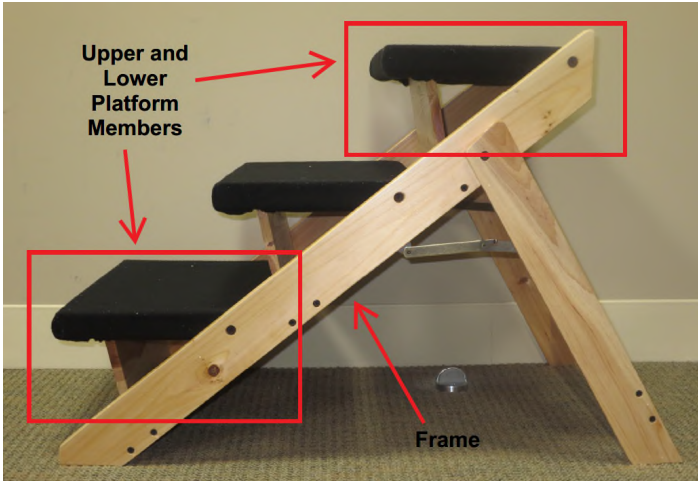
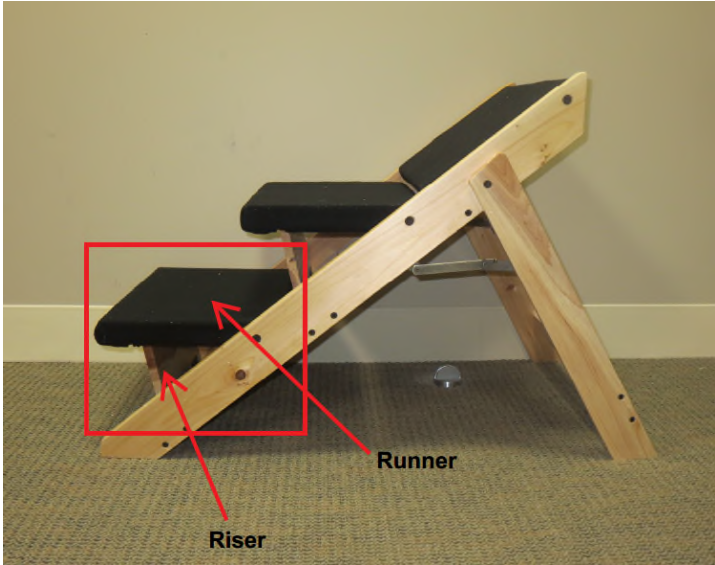
20. PetEdge marks its pet ramp/steps with the ‘236 Patent and thus gives at least constructive notice of the ‘236 Patent to the public, including to ShenZhen.

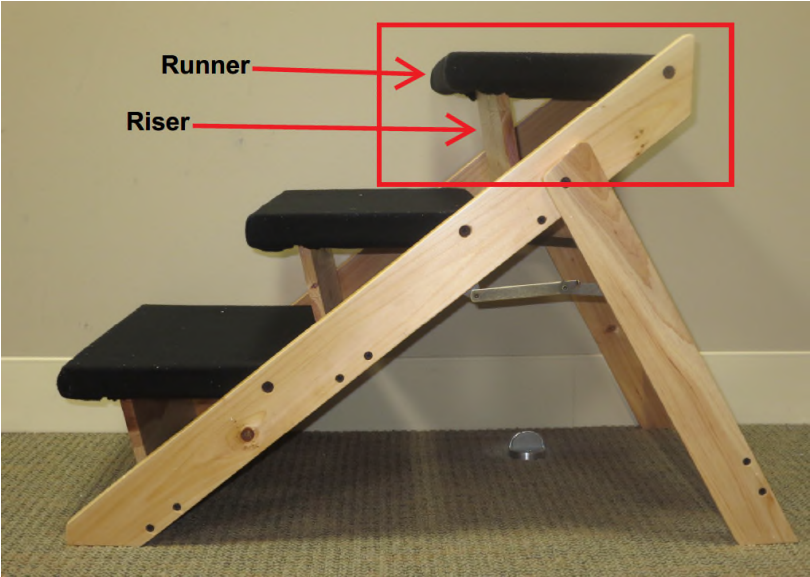

THE ALLEGED PATENT INFRINGEMENT

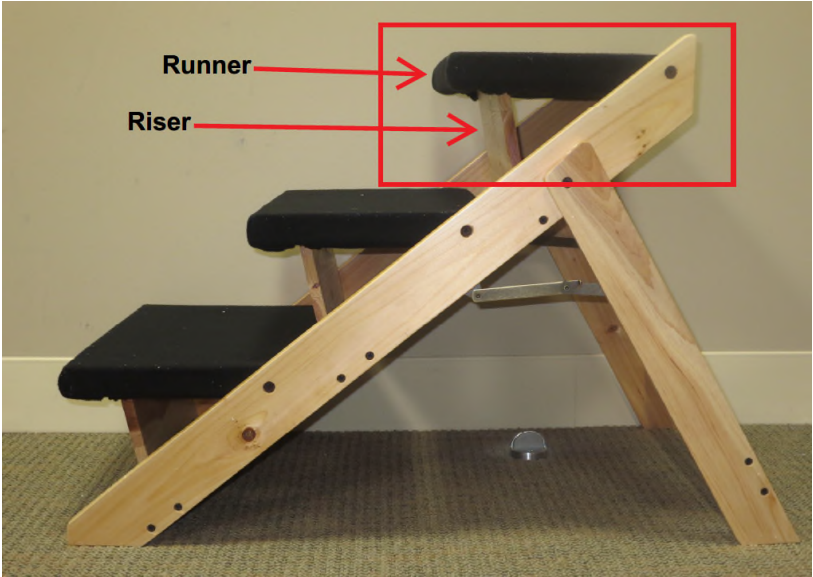
21. ShenZhen, makes, imports, uses, sells, and/or offers to sell an infringing pet ramp/steps product, including at least the “WOOKRAYS Easy Step III Pet Stairs 3 Step for Cats/Dogs Animal Bed Steps Ladder,” “Wakrays Wooden Folding Home Pet Animal Dog Ramp 3 Step Stairs Steps Ladder,” “Dealkoo Pet Folding 2-in-1 Stairs Ramp Non Slip Sturdy Wooden Step Dog Cat Animal Ladder,” and “Homdox Wooden Folding Pet Stairs Home Pet Animal Dog Ramp 3 Step Stairs Steps Ladder.”


22. As alleged herein, ShenZhen has engaged in actions that directly infringe the ‘236 Patent.

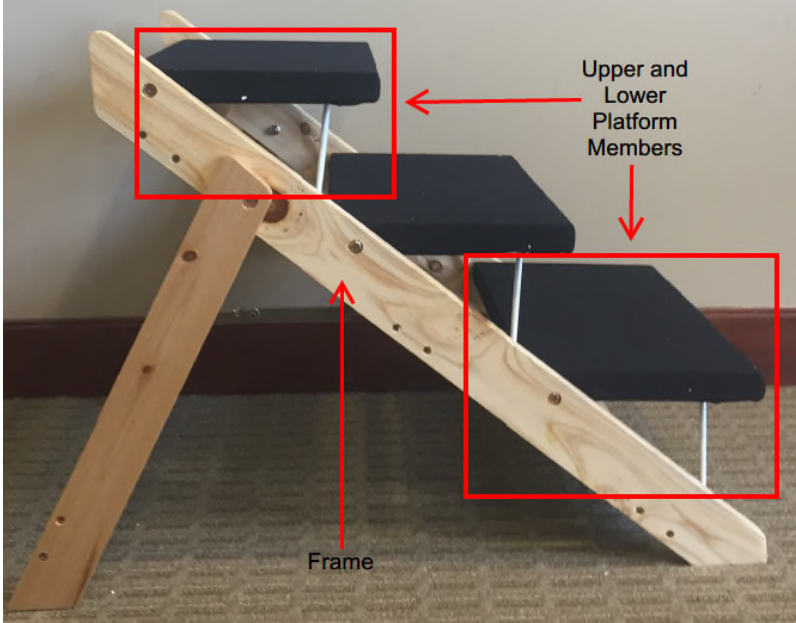
23. Exemplary claim charts showing infringement by the “WOOKRAYS Easy Step III Pet Stairs 3 Step for Cats/Dogs Animal Bed Steps Ladder,” “Wakrays Wooden Folding Home Pet Animal Dog Ramp 3 Step Stairs Steps Ladder,” “Dealkoo Pet Folding 2-in-1 Stairs Ramp Non Slip Sturdy Wooden Step Dog Cat Animal Ladder,” and “Homdox Wooden Folding Pet Stairs Home Pet Animal Dog Ramp 3 Step Stairs Steps Ladder” (“Accused Products”) of the first independent claim of the ‘236 Patent are shown below. These claim charts are based on preliminary analysis and may be amended and/or supplemented after further investigation and discovery in this action. Although PetEdge has charted infringement of Claim 1, PetEdge also contends that other claims are infringed. The claim charts are for notice purposes under Fed. R. Civ. P. 8 and 12.

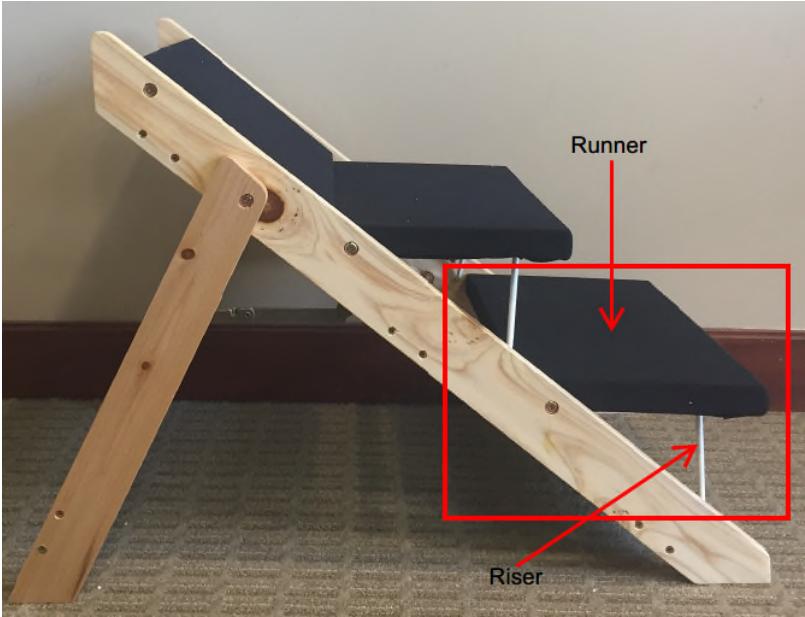
Claim Element	WOOKRAYS Infringing Feature of Accused Product
1. An apparatus comprising:	The Accused Product is an apparatus.
a frame supporting an upper platform member and a lower platform member;	<p>The Accused Product comprises a frame supporting an upper platform member and a lower platform member. The photo below shows the Accused Product with the frame, upper platform member, and lower platform member labeled.</p> 
the lower platform member having a lower riser and a lower runner; and	<p>The Accused Product comprises a lower platform member having a lower riser and a lower runner. The lower platform member can be seen in the photo below as denoted by the box. The riser and runner are labeled below. The riser supports the runner in the step alignment.</p> 

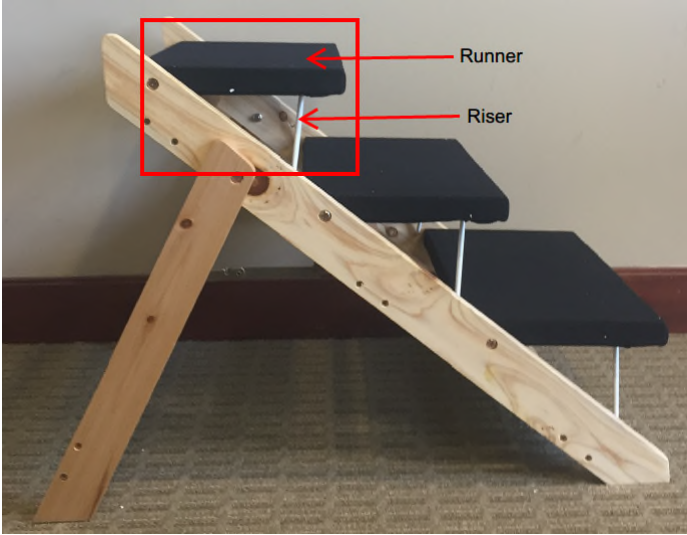

Claim Element	WOOKRAYS Infringing Feature of Accused Product
the upper platform member having an upper riser and an upper runner which are moveable between a ramp mode and a step mode, the upper riser:	<p data-bbox="573 268 1433 451">The Accused Product comprises an upper platform member having an upper riser and an upper runner. The upper platform member can be seen in the photo below as denoted by the box. The riser and runner are labeled below. The riser supports the runner in the step alignment.</p> <div data-bbox="573 472 1377 1045"><p>The photograph shows a wooden step climber with three steps. The top step is highlighted with a red rectangular box. Two red arrows point from labels to this step: 'Runner' points to the horizontal surface, and 'Riser' points to the vertical support. The climber is made of light-colored wood and has black foam padding on the steps. It is positioned on a green carpeted floor against a light-colored wall.</p></div> <p data-bbox="573 1075 1433 1180">The above photo shows the Accused Product in a step mode. The below photo shows the Accused Product as subsequently moved to a ramp mode.</p> <div data-bbox="587 1192 1395 1797"><p>The photograph shows the same wooden step climber as in the previous image, but it is now in its ramp mode. The steps are folded down, creating a continuous inclined surface. The structure remains on the green carpeted floor against the same light-colored wall.</p></div>

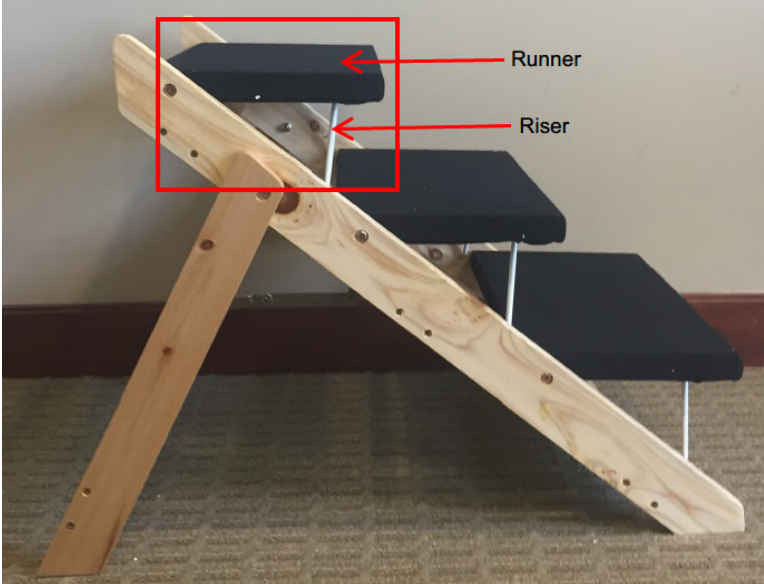

Claim Element	WOOKRAYS Infringing Feature of Accused Product
(i) fixedly supporting the upper runner against the frame when in the step mode, and	<p>The Accused Product comprises an upper riser: (i) fixedly supporting the upper runner against the frame when in the step mode. The photo below shows the upper riser fixedly supporting the upper runner against the frame when in the step mode.</p> 

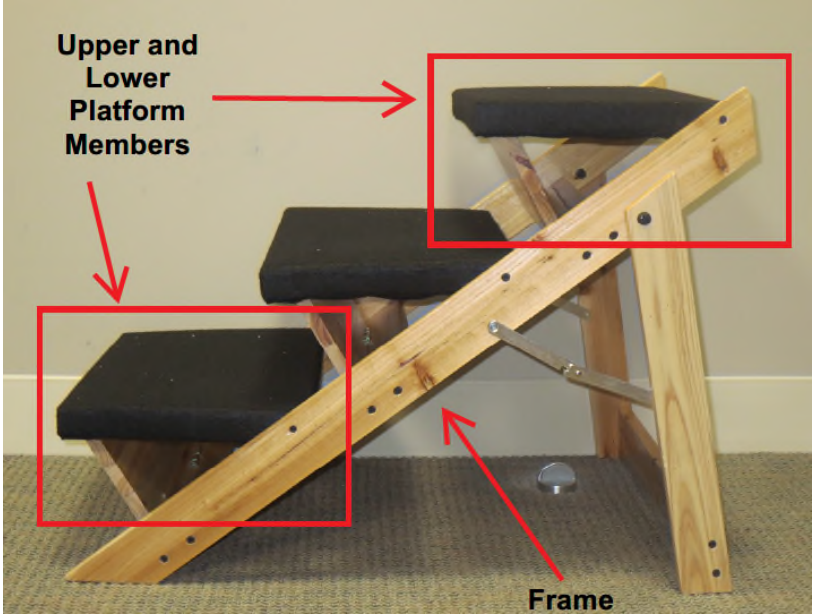
Claim Element	WOOKRAYS Infringing Feature of Accused Product
(ii) being movable from the fixedly supported position to permit the upper runner to move to the ramp mode.	<p>The Accused Product comprises an upper riser: . . . (ii) being movable from the fixedly supported position to permit the upper runner to move to the ramp mode. The photo below shows the apparatus after the upper runner has been moved to the ramp mode by means of moving the upper riser from its fixedly supported position.</p> 

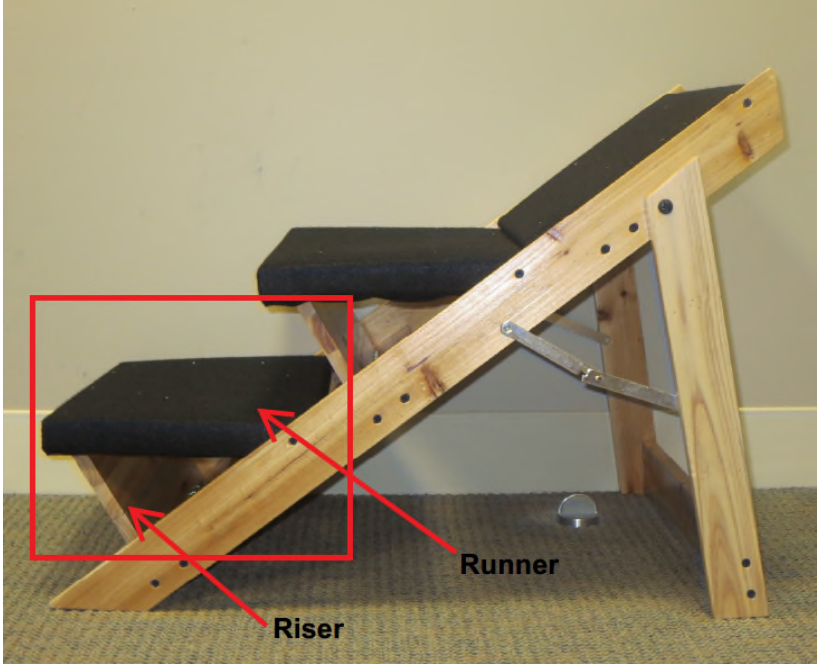
Claim Element	WAKRAYS Infringing Feature of Accused Product
1. An apparatus comprising:	The Accused Product is an apparatus.
a frame supporting an upper platform member and a lower platform member;	<p>The Accused Product comprises a frame supporting an upper platform member and a lower platform member. The photo below shows the Accused Product with the frame, upper platform member, and lower platform member labeled.</p>  <p>The photograph shows a wooden frame supporting two black platform members. A red box highlights the upper platform member, and another red box highlights the lower platform member. A red arrow points to the wooden frame, and another red arrow points to the black platform members. The text 'Upper and Lower Platform Members' is written above the lower platform member, and 'Frame' is written below the wooden frame.</p>
the lower platform member having a lower riser and a lower runner; and	<p>The Accused Product comprises a lower platform member having a lower riser and a lower runner. The lower platform member can be seen in the photo below as denoted by the box. The riser and runner are labeled below. The riser supports the runner in the step alignment.</p>

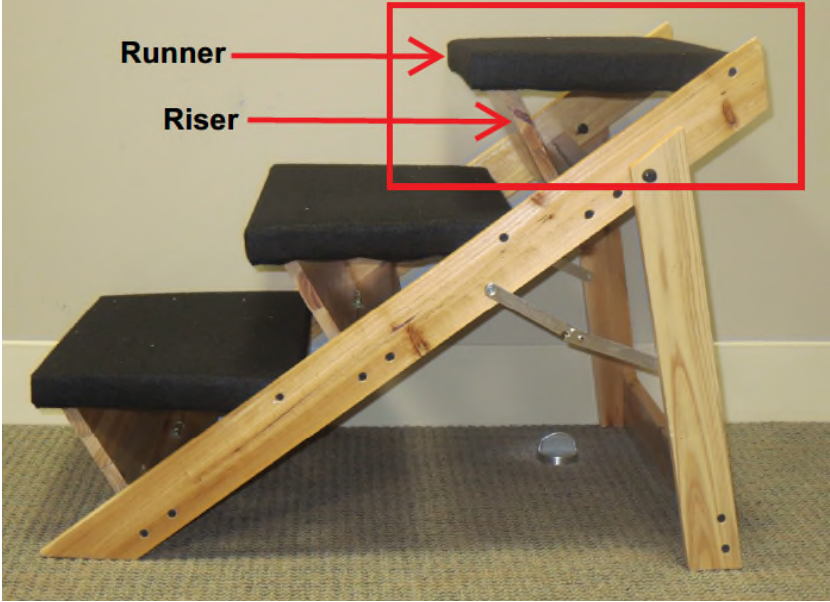

Claim Element	WAKRAYS Infringing Feature of Accused Product
	
<p>the upper platform member having an upper riser and an upper runner which are moveable between a ramp mode and a step mode, the upper riser:</p>	<p>The Accused Product comprises an upper platform member having an upper riser and an upper runner. The upper platform member can be seen in the photo below as denoted by the box. The riser and runner are labeled below. The riser supports the runner in the step alignment.</p>

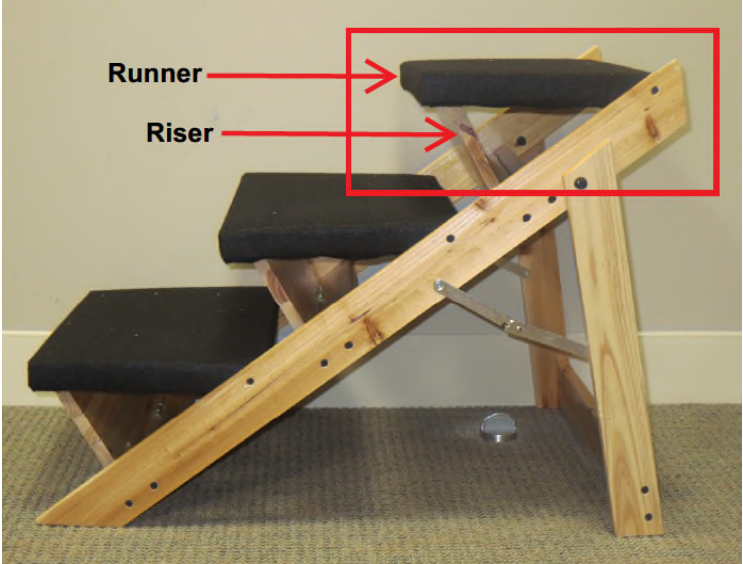

Claim Element	WAKRAYS Infringing Feature of Accused Product
	 <p>The above photo shows the Accused Product in a step mode. The below photo shows the Accused Product as subsequently moved to a ramp mode.</p> 

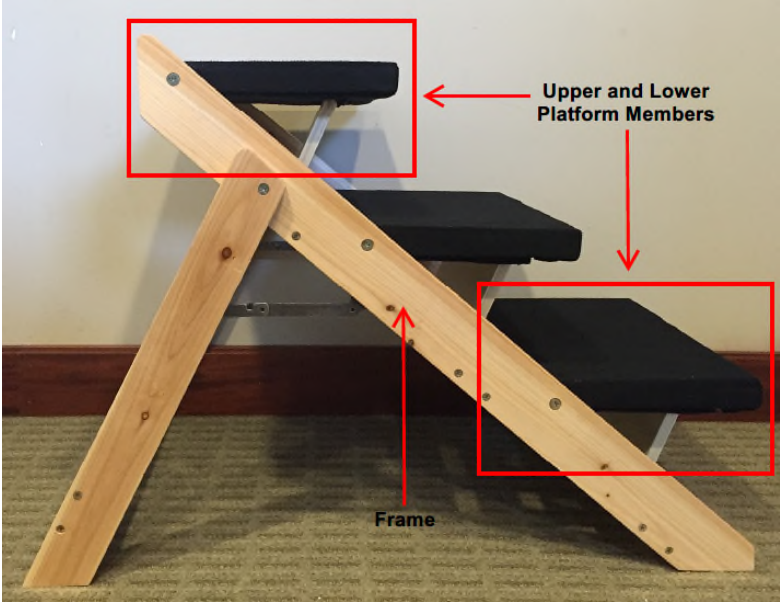
Claim Element	WAKRAYS Infringing Feature of Accused Product
<p>(i) fixedly supporting the upper runner against the frame when in the step mode, and</p>	<p>The Accused Product comprises an upper riser: (i) fixedly supporting the upper runner against the frame when in the step mode. The photo below shows the upper riser fixedly supporting the upper runner against the frame when in the step mode.</p> 
<p>(ii) being movable from the fixedly supported position to permit the upper runner to move to the ramp mode.</p>	<p>The Accused Product comprises an upper riser: . . . (ii) being movable from the fixedly supported position to permit the upper runner to move to the ramp mode. The photo below shows the apparatus after the upper runner has been moved to the ramp mode by means of moving the upper riser from its fixedly supported position.</p> 

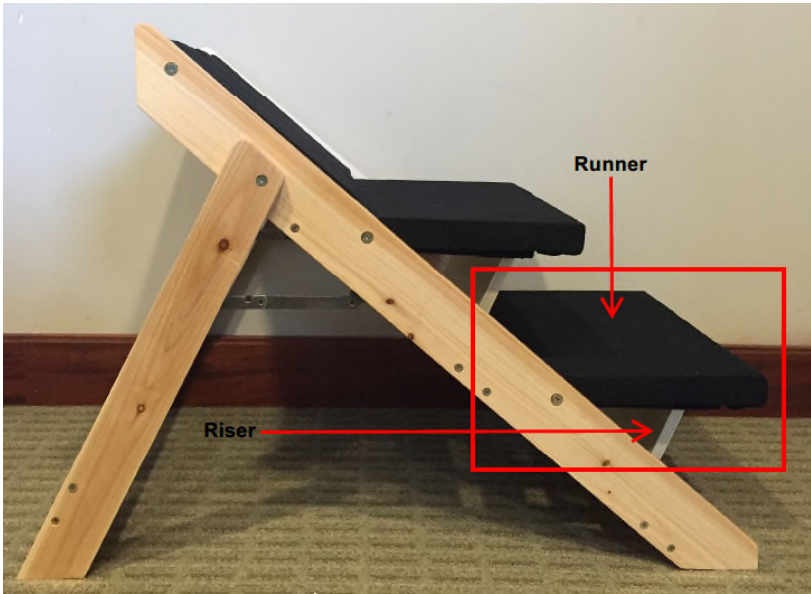
Claim Element	DEALKOO Infringing Feature of Accused Product
1. An apparatus comprising:	The Accused Product is an apparatus.
a frame supporting an upper platform member and a lower platform member;	<p>The Accused Product comprises a frame supporting an upper platform member and a lower platform member. The photo below shows the Accused Product with the frame, upper platform member, and lower platform member labeled.</p> 
the lower platform member having a lower riser and a lower runner; and	<p>The Accused Product comprises a lower platform member having a lower riser and a lower runner. The lower platform member can be seen in the photo below as denoted by the box. The riser and runner are labeled below. The riser supports the runner in the step alignment.</p>



Claim Element	<p style="text-align: center;">DEALKOO Infringing Feature of Accused Product</p>
	
<p>the upper platform member having an upper riser and an upper runner which are moveable between a ramp mode and a step mode, the upper riser:</p>	<p>The Accused Product comprises an upper platform member having an upper riser and an upper runner. The upper platform member can be seen in the photo below as denoted by the box. The riser and runner are labeled below. The riser supports the runner in the step alignment.</p>

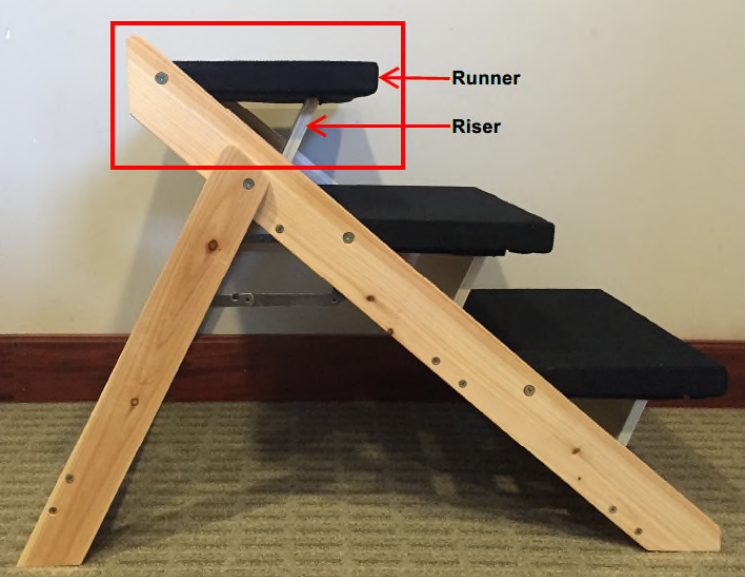

Claim Element	DEALKOO Infringing Feature of Accused Product
	 <p>The above photo shows the Accused Product in a step mode. The below photo shows the Accused Product as subsequently moved to a ramp mode.</p> 

Claim Element	<p style="text-align: center;">DEALKOO Infringing Feature of Accused Product</p>
<p>(i) fixedly supporting the upper runner against the frame when in the step mode, and</p>	<p>The Accused Product comprises an upper riser: (i) fixedly supporting the upper runner against the frame when in the step mode. The photo below shows the upper riser fixedly supporting the upper runner against the frame when in the step mode.</p> 
<p>(ii) being movable from the fixedly supported position to permit the upper runner to move to the ramp mode.</p>	<p>The Accused Product comprises an upper riser: . . . (ii) being movable from the fixedly supported position to permit the upper runner to move to the ramp mode. The photo below shows the apparatus after the upper runner has been moved to the ramp mode by means of moving the upper riser from its fixedly supported position.</p> 

Claim Element	HOMDOX Infringing Feature of Accused Product
1. An apparatus comprising:	The Accused Product is an apparatus.
a frame supporting an upper platform member and a lower platform member;	<p>The Accused Product comprises a frame supporting an upper platform member and a lower platform member. The photo below shows the Accused Product with the frame, upper platform member, and lower platform member labeled.</p>  <p>The photograph shows a wooden frame supporting two black platform members. A red box highlights the upper platform member, and another red box highlights the lower platform member. A red arrow points to the frame, and another red arrow points to the platform members. The labels 'Upper and Lower Platform Members' and 'Frame' are present in the image.</p>
the lower platform member having a lower riser and a lower runner; and	<p>The Accused Product comprises a lower platform member having a lower riser and a lower runner. The lower platform member can be seen in the photo below as denoted by the box. The riser and runner are labeled below. The riser supports the runner in the step alignment.</p>

Claim Element	HOMDOX Infringing Feature of Accused Product
	
<p>the upper platform member having an upper riser and an upper runner which are moveable between a ramp mode and a step mode, the upper riser:</p>	<p>The Accused Product comprises an upper platform member having an upper riser and an upper runner. The upper platform member can be seen in the photo below as denoted by the box. The riser and runner are labeled below. The riser supports the runner in the step alignment.</p>

Claim Element	HOMDOX Infringing Feature of Accused Product
	 <p data-bbox="532 961 1382 1073">The above photo shows the Accused Product in a step mode. The below photo shows the Accused Product as subsequently moved to a ramp mode.</p> 

Claim Element	<p style="text-align: center;">HOMDOX Infringing Feature of Accused Product</p>
<p>(i) fixedly supporting the upper runner against the frame when in the step mode, and</p>	<p>The Accused Product comprises an upper riser: (i) fixedly supporting the upper runner against the frame when in the step mode. The photo below shows the upper riser fixedly supporting the upper runner against the frame when in the step mode.</p> 
<p>(ii) being movable from the fixedly supported position to permit the upper runner to move to the ramp mode.</p>	<p>The Accused Product comprises an upper riser: . . . (ii) being movable from the fixedly supported position to permit the upper runner to move to the ramp mode. The photo below shows the apparatus after the upper runner has been moved to the ramp mode by means of moving the upper riser from its fixedly supported position.</p> 

COUNT I
INFRINGEMENT OF THE ‘236 PATENT

24. PetEdge re-alleges and incorporates by reference the preceding paragraphs as though fully set out herein.

25. In violation of 35 U.S.C. § 271, ShenZhen has been infringing, and continues to infringe, the ‘236 Patent by way of manufacturing, using, offering to sell, and/or selling the Accused Products within the United States, as depicted in Exhibit D and as covered by one or more of the claims in the ‘236 Patent.

26. ShenZhen has had, at least, constructive notice of the ‘236 Patent pursuant to 35 U.S.C. §287(a) because PetEdge marks its pet ramp/steps products with the ‘236 Patent. Further, PetEdge notified ShenZhen about the alleged infringement of the ‘236 Patent by letter dated November 4, 2016. Thus, ShenZhen has actual knowledge of the ‘236 Patent.

27. ShenZhen has profited, and continues to profit, from its manufacture, use, offer to sell, and sale of the Accused Products.

28. On information and belief, ShenZhen’s infringement of the ‘236 Patent has been and continues to be willful, wanton, and deliberate.

29. PetEdge has been, and continues to be, damaged and irreparably harmed by ShenZhen’s infringement of the ‘236 Patent.

WHEREFORE, PetEdge respectfully requests that this Court enter judgment for PetEdge and against ShenZhen, and grants PetEdge the following relief:

- A. A judgment under 35 U.S.C. § 271 finding that ShenZhen infringes the ‘236 Patent;
- B. An order under 35 U.S.C. § 283 preliminarily and permanently enjoining ShenZhen from infringing the ‘236 Patent;

- C. An award of damages under 35 U.S.C. § 284 adequate to compensate PetEdge for ShenZhen's infringement of the '236 Patent and an accounting to determine the proper amount of such damages;
- D. A three-fold increase in damages as a result of ShenZhen's willful, wanton, and deliberate acts of infringement;
- E. An award pursuant to 35 U.S.C. § 284 of costs, prejudgment, and post judgment interest on PetEdge's compensatory damages;
- F. An award pursuant to 35 U.S.C. § 285 of PetEdge's attorneys' fees incurred in this action;
- G. An order directing the recall and destruction of any and all existing ShenZhen folding pet ramp and steps systems that infringe the '236 Patent; and
- H. Such further relief as this Court deems just and proper.

JURY DEMAND

PetEdge demands a trial by jury on all issues so triable.

PETEDGE, INC.,
By its attorneys,

/s/ Erik Paul Belt

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Wyley Proctor (BBO# 666613)
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wproctor@mccarter.com

Dated: November 30, 2016